

1 Nicholas J. Santoro, Esq. (NBN 532)
2 Jason D. Smith, Esq. (NBN 9691)
SANTORO WHITMERE
3 10100 W. Charleston Blvd., Suite 250
Las Vegas, NV 89135
4 Tel.: (702) 948-8771
Email: nsantoro@santoronevada.com
jsmith@santoronevada.com

6 Jonathan E. Moskin, Esq.
(*Admitted pro hac vice*)
7 FOLEY & LARDNER LLP
8 90 Park Avenue
New York, NY 10016
9 Tel.: (212) 682-7474
Email: jmoskin@foley.com

10
11 Jean-Paul Ciardullo, Esq.
(*Admitted pro hac vice*)
12 FOLEY & LARDNER LLP
555 S. Flower St., Suite 3300
13 Los Angeles, CA 90071
Tel.: (213) 972-4500
14 Email: jciardullo@foley.com

15 Attorneys for Plaintiff
16 Herman Miller, Inc.

17 UNITED STATES DISTRICT COURT

18 DISTRICT OF NEVADA

19 HERMAN MILLER, INC.,

) Case No.: 2:20-cv-01480-RFB-EJY

20 Plaintiff,

21 v.

22 SKY ENTERPRISES, INC. dba LAURA
DAVIDSON FURNITURE; and DAVID
23 KROSKY a/k/a DAVE MCBRIDE,

24 Defendants.

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**STATUS REPORT AND NOTICE
CONCERNING SETTLEMENT;
STIPULATION**

1 Defendants Sky Enterprises, Inc. dba Laura Davidson Furniture, and David Krosky a/k/a
2 Dave McBride and Plaintiff Herman Miller, Inc. (collectively, the “Parties”) hereby notify the
3 Court that they have executed a Binding Term Sheet to settle the case, and, believing that they are
4 close to completing a final Settlement Agreement, jointly stipulate as follows:

5 . . .

6 WHEREAS, on November 1, 2021, the Parties stipulated to stay all deadlines pending a
7 mediated settlement conferences. (ECF 49.)

8 WHEREAS, on December 6, 2021, the Parties submitted a joint stipulation resetting the
9 case schedule, including dates for submission of *Markman* claim construction briefing as well as
10 remaining fact and expert discovery. (ECF 58.)

11 WHEREAS, subsequent to submission of the joint stipulation resetting the case schedule,
12 the Parties executed a Binding Term Sheet to settle the lawsuit.

13 WHEREAS, the Parties are in the process of finalizing a written settlement agreement that
14 will memorialize and effectuate the terms of the Parties’ Term Sheet.

15 WHEREAS, the Parties currently believe they can complete and execute the written
16 settlement agreement within fifteen (15) days from entry of this stipulation and also anticipate
17 filing for dismissal within this time period.

18 WHEREAS, the Parties desire to devote their full attention to effectuating settlement, and
19 also to avoid further time and expense in briefing claim construction and engaging in fact
20 discovery, and therefore respectfully request a 15-day stay of all current deadlines.

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
22 the Parties, and the Court’s approval is respectfully requested, that:

23 All further proceedings in the action be stayed for a period of fifteen (15) days pending
24 finalization of the Parties’ written settlement agreement and submission of the Parties’ dismissal
25 papers.

1 **IT IS SO AGREED AND STIPULATED:**

2 DATED this 7th day of January, 2022.

3 **FOLEY & LARDNER LLP**

4 /s/ Jean-Paul Ciardullo
5 Jean-Paul Ciardullo, Esq.
(Admitted pro hac vice)
6 555 S. Flower St., Suite 3300
Los Angeles, CA 90071
7 Tel.: (213) 972-4500
Email: jciardullo@foley.com

8
9 Jonathan E. Moskin, Esq.
(Admitted pro hac vice)
10 90 Park Avenue
New York, NY 10016
11 Tel.: (212) 682-7474
Email: jmoskin@foley.com

12
13 SANTORO WHITMIRE
Nicholas J. Santoro, Esq. (NBN 532)
Jason D. Smith, Esq. (NBN 9691)
10100 W. Charleston Blvd., Suite 250
15 Las Vegas, NV 89135
Tel.: (702) 948-8771
Email: nsantoro@santoronevada.com
jsmith@santoronevada.com

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17 Attorneys for Plaintiff

DATED this 7th day of January, 2022.

DICKINSON WRIGHT PLLC

18
19 /u/ Franklin M. Smith
John L. Krieger, Esq. (NBN 6023)
Tenesa S. Powell, Esq. (NBN 12488)
Caleb L. Green, Esq. (NBN 15234)
3883 Howard Hughes Parkway, Suite 800
Las Vegas, NV 89169-0965
Tel.: (702) 550-4400
Email: jkrieger@dickinsonwright.com
tpowell@dickinsonwright.com
cgreen@dickinsonwright.com

20
21 Franklin M. Smith, Esq.
(Admitted Pro Hac Vice)
Email: fsmith@dickinsonwright.com
2600 W. Big Beaver Rd, Suite 300
Troy, Michigan 48084
Tel.: (248) 433-7393

22
23 GILE LAW GROUP LTD.
Ryan Gile, Esq. (NBN 8807)
1180 N. Town Center Drive, Suite 100
Las Vegas, NV 89144
Tel. (702) 703-7288
Email: rg@gilelawgroup.com

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25 Attorneys for Defendants

26 **IT IS SO ORDERED:**

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United States Magistrate Judge

DATED: January 11, 2022